IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO. 442 OF 2003

SICOM Limited .. Plaintiffs

versus

C.R. Mohan Rao & Ors. .. Defendants

...

Ms.Deepali Choudhari i/b Prakash Panjabi for the plaintiff.

Mr.H. Toor i/b Crawford Bailey & Co. for the defendant.

CORAM : D.G. KARNIK,J.

DATED : 1st March 2005.

P.C.:

1. Heard the learned counsel for the parties.

2. The learned counsel for the plaintiff states that the plaintiff has been declared to be a financial institution by reason of a notification dated 30th April 2004 published at page no.1 of Gazette of India dated 30th April 2004 Part II

Section 3, sub section (ii). The learned counsel for the plaintiff therefore submits that this Court has no jurisdiction to continue to entertain and try the suit and the matter may be transferred to the Debt Recovery Tribunal.

3. Accordingly, the suit along with Summons for Judgement is transferred to the DRT. All contentions of the defendant relating to the jurisdiction of the DRT are kept open.

D.G. KARNIK, J